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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,010	09/21/2000	Uve Hansmann	IBM-116	8803

7590 04/06/2004
Thomas A Beck
26 Rockledge Lane
New Milford, CT 06776

EXAMINER

FAKHRAI, SAM S

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 04/06/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,010

Applicant(s)

HANSMANN ET AL.

Examiner

Sam Fakhrai

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 5-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 1-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 5-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Furthermore, Claim 9 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claims 1-9 are objected to because of the following informalities:

The claims include figure element numbers, and are therefore not written in proper claim language. The numbers should be removed.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,949,882 to Angelo.

2. Regarding Claim 1, Angelo discloses:

- Method for setting basic means of access for operation of devices of which the operation is controllable by electronic means, characterized in that it includes the steps:
 - Establishment of a link between a personal authentication system supplied with encryption data and a logic system able to control the electronic device control (Angelo: "PCI/ISA Bridge 130" and "Write Protect Logic 164" of Fig. 1 and column 5, lines 17-20 and 61-65).
 - Checking of the data in the authentication system prior to operation of the device (Angelo: column 7, lines 43-44).
 - Assignment of predetermined means of access to the device associated with the authentication system (Angelo: column 8, lines 29-32).
 - Enabling of the means of access predetermined for the authentication system dependent on the result of the check (Angelo: "208" and "210" of Fig. 2A and column 7, lines 43-47; column 5, lines 17-20).

3. Regarding Claim 2, Angelo discloses:

- The method characterized in that the means of access comprise at least one of the following means: Disable operation of the device, enable operation of the device, or enable configuration of the device (Angelo: “208” and “210” of Fig. 2A and column 7, lines 43-47).
4. Regarding Claim 3, Angelo discloses:
- The method characterized in that the link is made without need for intermediate software layers (Angelo: “PCI/ISA Bridge 130”, “Write Protect Logic 164”, and “Token 188” of Fig. 1 and column 5, lines 17-20 and 61-65 and column 6, lines 12-31).
5. Regarding Claim 4, Angelo discloses:
- The method including the step of reading at least one of the following features from the authentication system: Firmware programs, device-specific command sequences for execution of specific device-specific functions, cryptographic keys, cryptographic algorithms, individual decision-making logic (Angelo: “Token 188” of Fig. 1 and column 6, lines 21-31).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Fakhrai whose telephone number is 703-305-8767. The examiner can normally be reached on M-F, 9:30 AM – 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ssf
Wednesday, March 31, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100